

DS/36411

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED

FEB - 8 2022

CLERK, U.S. DISTRICT COURT  
By MS  
Deputy

JAKE TAYLER JACOBS ( Plaintiff )

) JURY TRIAL DEMANDED

)  
)  
)

v.

BMW FINANCIAL SERVICES (Defendant)

3 -22 CV - 302 - M

## COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff JAKE TAYLER JACOBS (hereinafter, "Plaintiff"), a TEXAS resident, brings this complaint by and through the undersigned attorneys, against Defendant **BMW FINANCIAL SERVICES** (hereinafter collectively "Defendants"), for violations of the Fair Credit Reporting Act 15 U.S.C. § 1681 (hereinafter "FCRA") based upon information and belief of Plaintiff's counsel, except for allegations specifically pertaining to Plaintiff, which are based upon Plaintiff's personal knowledge.

## INTRODUCTION

1. After reviewing his credit reports, JAKE TAYLER JACOBS, the Plaintiff in this case, discovered that Defendant has been reporting a delinquent account with a balance of \$34,434 and \$28,951.00. This was an account that was discharged and canceled back in 2016. DEFENDANT issued to the Plaintiff a 1099-C back in 2016 reflecting the discharged account, but it is still showing on the Plaintiff's credit reports. 2. In early 2019, the Plaintiff began disputing the inaccurate trade line and requesting verification of this account. Despite said request, Defendants failed to make a reasonable investigation as to Plaintiff's dispute and failed to correct their errors. 3. Plaintiff therefore brings this action under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (the "FCRA") alleging that Defendant negligently, recklessly and knowingly falsely reported information on Plaintiff's credit file. 4. Plaintiff further alleges that credit bureaus have

negligently and recklessly disseminated false information regarding Plaintiff's credit, even after Plaintiff notified them of the inaccuracies. 5. Plaintiff further alleges that DEFENDANT failed to follow reasonable procedures to ensure maximum accuracy of credit reports it prepared concerning Plaintiff and failed to investigate credit report inaccuracies in response to Plaintiff's disputes. 6. Plaintiff seeks statutory, actual, and punitive damages, along with injunctive and declaratory relief.

#### JURISDICTION AND VENUE

7. The Court has jurisdiction over this action under 28 U.S.C. § 1331, 15 U.S.C. § 1692 et seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a). 8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

#### PARTIES

9. Plaintiff is a natural person and a resident of DALLAS County, TEXAS, and is a "Consumer" as defined by 15 U.S.C. § 1681a(c). 10. EQUIFAX is one of the largest credit reporting agencies in the United States and is engaged in the business of assembling and disseminating credit reports concerning hundreds of millions of consumers. Equifax is a "consumer reporting agency" as defined by 15 U.S.C. § 1681a(f) of the FCRA, and is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d)(1) of the FCRA, to third parties. 11. Equifax, Inc. is a corporation with its principal place of business at 1550 Peachtree Street & One Atlantic Center, Atlanta, Georgia. 12. Experian is one of the largest credit reporting agencies in the United States, and is engaged in the business of assembling and disseminating credit reports concerning hundreds of millions of consumers. Experian is a "consumer reporting agency" as defined by 15 U.S.C. § 1681a(f) of the FCRA, and is regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. § 1681a(d)(1) of the FCRA, to third parties. 13. Experian Information Solutions, Inc. is a corporation incorporated in the State of Florida, with its principal place of business located in Costa Mesa, California. 14. Defendant is a financial services company with its headquarters in Hilliard, OH.

#### FACTUAL ALLEGATIONS

15. In early 2017, Plaintiff received a 1099-C from DEFENDANT notifying the Plaintiff that an alleged debt of \$34,434 and \$28,951.00 was discharged. 16. In early 2019, the Plaintiff noticed that the credit bureaus, including Equifax and Experian, were negatively reporting the DEFENDANT account with a balance of \$34,434 and \$28,951.00. Plaintiff disputed this erroneous information with the credit bureaus, including Equifax and Experian, on numerous instances. 18. DEFENDANT received copies of these disputes directly from Credit Bureaus. 19. Despite receipt of these letters, Equifax and Experian has continued to verify and report the inaccurate balance on his credit report. 20. Defendants' failure to remove clearly inaccurate information is evidence of their failure to conduct a reasonable investigation upon receipt of Plaintiff's multiple disputes. 21. At all times pertinent hereto, Defendants' conduct was willful, and carried out in reckless disregard for a consumer's rights as set forth under section 1681s and 1681i of the FCRA. 22. As a direct and proximate result of Defendants' violations of the FCRA,

Plaintiff has been harmed in his daily life. 23. Defendants' violations of the FCRA accordingly caused the Plaintiff great distress, annoyance and frustration in his daily life.

**COUNT I VIOLATIONS OF THE FAIR CREDIT REPORTING ACT 15 U.S.C. § 1681i  
Against Equifax**

24. All preceding paragraphs are realleged. 25. At all times pertinent hereto, Equifax was a "consumer reporting agency" ("CRA") as that term is defined by 15 U.S.C. § 1681a(c). 26. The FCRA provides that if a CRA conducts an investigation of disputed information and confirms that the information is, in fact, inaccurate, or is unable to verify the accuracy of the disputed information, the CRA is required to delete that information from the consumer's file. See 15 U.S.C. § 1681i(a)(5)(A). 27. Equifax, having either conducting no investigation or failing to conduct a reasonable investigation, verified the inaccurate item on his credit file, even after Plaintiff submitted numerous disputes. 28. As a direct and proximate result of Equifax's willful and/or negligent refusal to conduct a reasonable investigation as mandated by the FCRA, Plaintiff has been harmed.

**COUNT II VIOLATIONS OF THE FAIR CREDIT REPORTING ACT 15 U.S.C. § 1681i  
Against Experian**

29. All preceding paragraphs are realleged. 30. At all times pertinent hereto, Experian was a "consumer reporting agency" ("CRA") as that term is defined by 15 U.S.C. § 1681a(c). 31. The FCRA provides that if a CRA conducts an investigation of disputed information and confirms that the information is, in fact, inaccurate, or is unable to verify the accuracy of the disputed information, the CRA is required to delete that information from the consumer's file. See 15 U.S.C. § 1681i(a)(5)(A). 32. Experian, having either conducting no investigation or failing to conduct a reasonable investigation, verified the inaccurate item on his credit file, even after Plaintiff submitted numerous disputes. 33. As a direct and proximate result of Experian's willful and/or negligent refusal to conduct a reasonable investigation as mandated by the FCRA, Plaintiff has been harmed.

**COUNT III FAILURE TO INVESTIGATE DISPUTE FCRA, 15 USC § 1681s-2(b) AGAINST  
BMW FINANCIAL SERVICES**

34. All preceding paragraphs are re-alleged. 35. Furnishers of credit information have a duty under the FCRA to investigate disputes from consumers as to the accuracy of information being reported. 36. Plaintiff submitted a written request to the credit bureaus disputing the accuracy of the account being reported by DEFENDANT. 37. DEFENDANT was obligated, pursuant to section 1681s-2(b) of the FCRA to conduct a complete and thorough investigation with respect to Plaintiff's dispute. 38. DEFENDANT failed to reasonably investigate Plaintiff's dispute. 39. Indeed, DEFENDANT's on-going failures to correct Plaintiff's account information is evidence that its investigation into Plaintiff's dispute was deficient. 40. DEFENDANT conduct violated section 1681s-2(b) of the FCRA.

**PRAYER FOR RELIEF WHEREFORE,**

Plaintiff demands judgment against Defendants as follows: (a) Awarding Plaintiff statutory damages; (b) Awarding Plaintiff actual damages; (c) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses; (d) Awarding pre-judgment interest and post-judgment interest; (e) A declaration that Defendants' conduct alleged herein is unlawful, as set forth more fully above; (f) Equitable relief, enjoining Defendants from engaging in the unjust and unlawful conduct alleged herein; and (g) Awarding Plaintiff such other and further relief as this Court may deem just and proper.

Dated: JANUARY 6, 2022

/S/JAKE TAYLER JACOBS  
PLAINTIFF (*pro se*)

Address: 200 N Carrier Parkway, Suite 101 Grand

Prairie, Texas 75050

Email: startanew163@gmail.com

RECEIVED  
 FEB 8 2022

I. (a) PLAINTIFFS

Jake Taylor Jacobs

(b) County of Residence of First Listed Plaintiff  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

CLERK U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF TEXAS

BMW Financial Services

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

3-22 CV-302-M

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>422 Appeal 28 USC 158</b>	<b>375 False Claims Act</b>
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>376 Qui Tam (31 USC 3729(a))</b>
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<b>INTELLECTUAL PROPERTY RIGHTS</b>	<b>400 State Reapportionment</b>
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<b>410 Antitrust</b>
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<b>430 Banks and Banking</b>
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<b>450 Commerce</b>
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<b>460 Deportation</b>
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<b>470 Racketeer Influenced and Corrupt Organizations</b>
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle			<b>480 Consumer Credit (15 USC 1681 or 1692)</b>
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> Product Liability			<b>485 Telephone Consumer Protection Act</b>
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury			<b>490 Cable/Sat TV</b>
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<b>850 Securities/Commodities/ Exchange</b>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<b>861 HIA (1395ff)</b>	<b>890 Other Statutory Actions</b>
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<b>862 Black Lung (923)</b>	<b>891 Agricultural Acts</b>
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>863 DIWC/DIWW (405(g))</b>	<b>893 Environmental Matters</b>
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<b>864 SSID Title XVI</b>	<b>895 Freedom of Information Act</b>
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<b>865 RSI (405(g))</b>	<b>896 Arbitration</b>
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<b>870 Taxes (U.S. Plaintiff or Defendant)</b>	<b>899 Administrative Procedure Act/Review or Appeal of Agency Decision</b>
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>950 Constitutionality of State Statutes</b>
			<b>IMMIGRATION</b>	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration Actions	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
------------------------------------------------	-----------------------------------------------------	----------------------------------------------------------	---------------------------------------------------	------------------------------------------------------------------------	----------------------------------------------------------------	-------------------------------------------------------------------

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 FDCPA, FCRA

VI. CAUSE OF ACTION

Brief description of cause:  
 FDCPA, FCRA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Determined at hearing

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

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